IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4070 OF 2004

Iqbal Hasan Shaikh Ibrahim
Kaskar ... Applicant

versus

State of Maharashtra & anr. ... Respondents

...

Mr. S.B. Keswani, for the Applicant.

Mr. P.H. Kantharia, A.P.P., for the Respondents.

...

CORAM : A.M.KHANWILKAR,J.

21st September 2004.

P.C.:

. Not on Board. Upon mentioning, taken on Board.

. Only this morning, I had occasion to consider the issue raised in the present application in the case of Anil Umrao Gote v. State of Maharashtra in Criminal Application No. 4023 of 2004. It was argued on behalf of the State that there is no basis for releasing such

accused on interim bail, because the accused, if he so desires, can file his nomination papers in terms of the Hand Book issued by the Election Commission of India for the Returning Officers which enables the candidate to present his nomination by his proposer or any one of his proposers before the Returning Officer on any of the notified days other than a public holiday. For authorising such filing of nomination, as per the notification issued by the Election Commission of India, dated March 18, 1968, for the candidate, who is confined in a prison, the Superintendent of Prison has been authorised to permit the candidate to make and subscribe the necessary affirmation for presentation of his nomination form. In view of this position, the Applicant may take recourse to that option, if he is so advised. This order is not an expression of opinion or be construed as authorising the Applicant to file his nomination. If such nomination is filed, that will be considered on its own merits in accordance with law by the appropriate authority. Application disposed of on the above terms.

. Parties to act on the authenticated copy

of this order.